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OFFICE OF PETITIONS

In re Application of	:	
Lambert, et al.	:	
Application No. 09/845,575	:	ON PETITION
Filed: April 30, 2001	:	
Attorney Docket No. 66703-0001	:	
For: METHOD & SYSTEM FOR	:	
ENHANCED WEB PAGE DELIVERY	:	

This is a decision on the petition under 37 CFR 1.181, filed February 14, 2007, to withdraw the holding of abandonment of the above-identified application. In the alternative, petitioners request consideration under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed April 26, 2006, which set a three month period for reply. This application became abandoned on July 27, 2006. A Notice of Abandonment was mailed on December 26, 2006.

Petitioners request withdrawal of the holding of abandonment because on applicants on July 6, 2006 allegedly submitted a PTOL-85B. Unfortunately, the correspondence is not part of the official application file and petitioners have provided no evidence of the correspondence's July 6, 2006 filing. Petitioners are reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. Oral advice from Office employees is not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985).

As stated in the April 26, 2006 Notice of Allowance and Fee(s) Due, "... THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR

AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEES ARE DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.”

The application did become abandoned three months after April 26, 2006, on July 27, 2006, for failure to submit a PTOL-85B or its equivalent.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Petitioners next request consideration under 37 CFR 1.137(b).

It is noted that as of July 21, 2006, applicants are no longer claiming small entity status. As such, the large entity issue fee is due. Deposit account no. 50-3553 will be charged the \$700.00 balance due.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the full \$1,400.00 issue fee and a completed PTOL-85B or its equivalent (Petitioners re-submitted the PTOL-85B previously filed on January 30, 2006. While this PTOL-85B is not a completed version of the one attached to the April 26, 2006 Notice of Allowance and Fee(s) Due, the information contained therein is deemed to be equivalent to the information that would be found on the PTOL-85B attached to the April 26, 2006 Notice of Allowance), (2) the petition fee of \$1,500.00; and (3) a proper statement of unintentional delay.

The petition under 37 CFR 1.137(b) is **granted**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to Publishing Division for processing into a patent.



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Office of Petitions

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